

Practitioner's Docket No.

1062/E07

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent application
of _____

Inventor(s)

for _____

Title of invention

OR

In re application of: Duggan, et al.

Application No.: 10/713,644

Group No.: N/A

Filed: November 13, 2003

Examiner: N/A

For: Improved Backpressure Regulator

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT
WITHIN THREE MONTHS OF FILING OR
BEFORE MAILING OF FIRST OFFICE ACTION (37 C.F.R. SECTION 1.97(b))

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. SECTION 1.8(a))

I hereby certify that, on the date shown below, this correspondence is being:

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☐ transmitted by facsimile to the Patent and Trademark
Office.

Date: April 13, 2004

Signature

Barbara J. Carter, Ph.D.

(type or print name of person certifying)

NOTE: "An information disclosure statement shall be considered by the Office if filed by the applicant: (1) within three months of the filing date of a national application; (2) within three months of the date of entry of the national stage as set forth in section 1.491 in an international application; or (3) before the mailing date of a first Office action on the merits, whichever event occurs last." 37 C.F.R. section 1.97(b).

NOTE: The "filing date of a national application" under 37 C.F.R. section 1.97(b) has two possible meanings. Where the filing is a direct one to the United States Patent & Trademark office, the filing is defined in 37 C.F.R. section 1.53(b) as "the date on which: (1) A specification containing a description pursuant to section 1.71 and at least one claim pursuant to section 1.75; and (2) any drawing required by section 1.81(a), are filed in the Patent and Trademark Office in the name of the actual inventor or inventors as required by section 1.41." 37 C.F.R. section 1.97(b)(1). On the other hand, an international application that enters the national stage occurs when the applicant has filed the documents and fees required by 35 U.S.C. section 371(c) within the periods set forth in section 1.494 or section 1.495. 35 U.S.C. section 371(c) requires the filing of the following: (1) the basic national fee; (2) a copy of the international application, unless already sent by the International Bureau, and optionally an English translation if filed in another language; and, also optionally (3) amendments under PCT Article 19, with a translation into English if made in another language; (4) an oath or declaration; and (5) a translation into English of any annexes to the international preliminary examination report, if such annexes were made in another language. The optional items must be submitted later, with surcharges. 37 C.F.R. section 1.97(b)(2).

IDENTIFICATION OF TIME OF FILING THE ACCOMPANYING INFORMATION DISCLOSURE STATEMENT

The information disclosure statement submitted herewith is being filed within three months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever event occurs last. 37 C.F.R. section 1.97(b).

NOTE: "No certification or fee is due when the filing is made within the above time period. It is advisable to ensure that no Office action has been mailed if the disclosure statement is delayed until after three months from filing."

NOTE: "An information disclosure statement will be considered to have been filed on the day it was received in the Office, or on an earlier date of a mailing if accompanied by a properly executed certificate of mailing under 37 C.F.R. 1.8, or Express Mail certificate under 37 C.F.R. 1.10. An office action is mailed on the date indicated in the Office action." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

NOTE: "The term 'national application' includes continuing applications (continuations, divisions, continuations-in-part) so three-months will be measured from the actual filing date of an application as opposed [sic] to the effective date of a continuing application." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

NOTE: "An action on the merits means an action which treats the patentability of the claims in an application, as opposed to only formal or procedural requirements. An action on the merits would, for example, contain a rejection or indication of allowability of a claim or claims rather than just a restriction requirement (37 C.F.R. section 1.142) or just a requirement for additional fees to have a claim considered (37 C.F.R. section 1.16(d)). Thus, if an application was filed on Jan. 1 and the first Office action on the merits was not mailed until six months later on July 1, the examiner would be required to consider any proper information disclosure statement filed prior to July 1." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

WARNING: "A petition for suspension of action to allow applicant time to submit an information disclosure statement will be denied as failing to present good and sufficient reasons, since 37 C.F.R. section 1.97 provides adequate recourse for the timely submission of prior art for consideration by the examiner." Notice of July 6, 1992 (1141 O.G. 63).



SIGNATURE OF PRACTITIONER

Reg. No. 52,703

Barbara J. Carter, Ph.D.

(type or print name of practitioner)

Tel. No.: (617) 443-9292

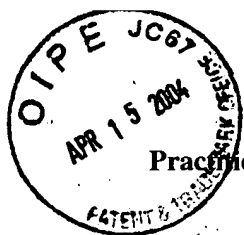
125 Summer Street, 11th Floor

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Customer No.: 002101

Boston, MA 02110

01062/00E07 305203.1



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Title of invention

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OR

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Application No.: 10/713,644

Group No.: N/A

Filed: November 13, 2003

Examiner: N/A

For: Improved Backpressure Regulator

Commissioner for Patents; P.O. Box 1450; Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

(Information Disclosure Statement--page 1 of 9)

CERTIFICATION UNDER 37 C.F.R. SECTIONS 1.8(a) and 1.10*

(When using Express Mail, the Express Mail label number is **mandatory**;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

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37 C.F.R. SECTION 1.8(a)

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Signature

Date: April 13, 2004

Barbara J. Carter, Ph.D.

(type or print name of person certifying)

***WARNING:** Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. section 1.10(b).
"Since the filing of correspondence under section 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable C.F.R.e, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

NOTE: "An information disclosure statement shall be considered by the Office if filed by the applicant:

- (1) Within three months of the filing date of a national application;
- (2) Within three months of the date of entry of the national stage as set forth in section 1.491 in an international application; or
- (3) Before the mailing date of a first Office action on the merits, whichever event occurs last." 37 C.F.R. section 1.97(b).

NOTE: "Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section." 37 C.F.R. section 1.56(a).

"Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) each inventor named in the application;
- (2) each attorney or agent who prepares or prosecutes the application; and
- (3) every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application." 37 C.F.R. section 1.56(c).

NOTE: The "duty as described in section 1.56 will be met so long as the information in question was cited by the Office or submitted to the Office in the manner prescribed by sections 1.97(b) - (d) and 1.98 before issuance of the patent." Notice of January 9, 1992, 1135 O.G. 13-25 at 17.

WARNING: "No information disclosure statement may be filed in a provisional application." 37 C.F.R. section 1.51(b).

List of Sections Forming Part of This Information Disclosure Statement

The following sections are being submitted for this Information Disclosure Statement:

(check sections forming a part of this statement: disC.F.R.d unused sections and number pages consecutively)

1. ☒ Preliminary Statements
2. ☒ Forms PTO/SB/08A and 08B (substitute for Form PTO-1449)
3. ☐ Statement as to Information Not Found in Patents or Publications
4. ☐ Identification of Prior Application in Which Listed Information Was Already Cited and for Which No Copies Are Submitted or Need Be Submitted
5. ☐ Cumulative Patents or Publications
6. ☒ Copies of Listed Information Items Accompanying This Statement
7. ☐ Concise Explanation of Non-English Language Listed Information Items
 - 7A. ☐ EPO Search Report
 - 7B. ☐ English Language Version of EPO Search Report
8. ☐ Translation(s) of Non-English Language Documents
9. ☐ Concise Explanation of English Language Listed Information Items (Optional)
10. ☒ Identification of Person(s) Making This Information Disclosure Statement

(complete the following, if appropriate)

Sections _____, respectively, have been continued on ADDED PAGE(S).

NOTE : "Once the minimum requirements are met, the examiner has an obligation to consider the information." Notice of April 20, 1992 (1138 O.G. 37-41, 37).

Section 1. Preliminary statements

Applicants submit herewith patents, publications or other information, of which they are aware that they believe may be material to the examination of this application, and in respect of which, there may be a duty to disclose.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made (37 C.F.R. section 1.97(g)), an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists.

The filing of this information disclosure statement shall not be construed as an admission against interest in any manner. Notice of January 9, 1992, 1135 O.G. 13-25, at 25.



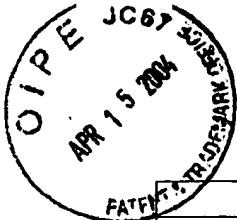
SECTION 2. FORMS PTO/SB/08A and 08B (formerly Form PTO-1449)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

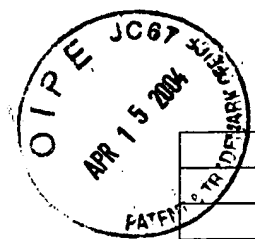
Applicants: Duggan, et al. Attorney Docket: 1062/E07
Serial No: 10/713,644 Art Group Unit: N/A
Date Filed: November 13, 2003 Examiner Name: N/A
Invention: Improved Backpressure Regulator

**LIST OF PATENTS AND PUBLICATIONS FOR
APPLICANT'S INFORMATION DISCLOSURE STATEMENT**

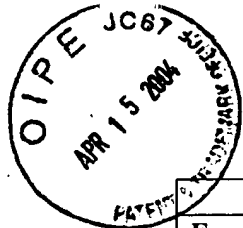
U.S. PATENT DOCUMENTS					
Examiner Initials	Reference Number	Document Number	Issue Date	Inventor	Class/Subclass
	AA	1,668,532	05/01/28	Stewart	417/67
	AB	2,453,375	11/09/48	Kollsman	230/79; 417/68
	AC	2,532,267	11/28/50	Chase	62/115; 62/116
	AD	3,366,314	01/30/68	Schroder	230/79; 417/68
	AE	3,455,791	07/15/69	Nash, et al.	203/24
	AF	3,891,496	06/24/75	Erwin	159/47.1
	AG	3,950,216	04/13/76	Bruns	159/13.1
	AH	3,956,072	05/11/76	Huse	202/177
	AI	4,002,538	01/11/77	Pottharst, Jr.	203/10
	AJ	4,030,985	06/21/77	Barba, et al.	202/174
	AK	4,106,560	08/15/78	Lauro	165/159
	AL	4,134,939	01/16/79	Zardi, et al.	261/112.1
	AM	4,148,211	04/10/79	Sawa, et al.	73/23.31
	AN	4,154,642	05/15/79	Mattern, et al.	159/13.2
	AO	4,168,211	09/18/79	Pottharst, Jr.	203/10
	AP	4,199,537	04/22/80	Zardi, et al.	261/112
	AQ	4,232,734	11/11/80	Hatje, et al.	165/118
	AR	4,248,296	02/03/81	Jezek	165/118
	AS	4,259,160	03/31/81	McClure	203/1
	AT	4,260,461	04/07/81	Pottharst, Jr.	203/7
	AU	4,309,243	01/05/82	Sundquist	159/24.3
	AV	4,317,786	03/02/82	Lagana	261/112.1
	AW	4,317,787	03/02/82	Lagana	261/112.1
	AX	4,444,675	04/24/84	Goeldner	252/175
	AY	4,511,436	04/16/85	el Din Nasser	202/174
	AZ	4,520,868	06/04/85	Grawey	165/158
	BA	4,521,161	06/04/85	Olsen, et al.	417/68
	BB	4,532,985	08/06/85	Cutler	165/118
	BC	4,536,258	08/20/85	Huhta-Koivisto	202/180



	BD	4,537,039	08/27/85	Fearon	62/182
	BE	4,539,076	09/03/85	Swain	202/154
	BF	4,551,070	11/05/85	Olsen, et al.	417/68
	BG	4,572,287	02/25/86	Allo, et al.	165/118
	BH	4,585,523	04/29/86	Giddings	202/236
	BI	4,586,985	05/06/86	Ciocca, et al.	202/174
	BJ	4,597,835	07/01/86	Moss	203/89
	BS	4,636,283	01/13/87	Nasser	202/173
	BL	4,671,856	06/09/87	Sears	203/22
	BM	4,707,220	11/17/87	Feres	159/6.1
	BN	4,731,159	03/15/88	Porter, et al.	159/6.1
	BO	4,734,167	03/29/88	Goeldner	202/176
	BP	4,747,752	05/31/88	Somarakis	417/48
	BQ	4,799,542	01/24/89	Sladky	165/118
	BR	4,822,455	04/18/89	Olrik	202/236
	BS	4,857,144	08/15/89	Casparian	159,13.2
	BT	4,869,067	09/26/89	Sears	60/645
	BU	4,925,526	05/15/90	Havukainen	159/13.3
	BV	4,948,514	08/14/90	MacGregor, et al.	210/748
	BW	4,984,432	01/15/91	Corey	62/87
	BX	4,994,097	02/19/91	Brouwers	55/317
	BY	5,045,155	09/03/91	Ramsland	202/174
	BZ	5,054,547	10/08/91	Shipley	165/115
	CA	5,061,376	10/29/91	MacGregor	210/748
	CB	5,073,177	12/17/91	Brouwers	55/317
	CC	5,074,998	12/24/91	De Baat Doelman	210/97
	CD	5,100,300	03/21/92	Haavik	417/68
	CE	5,108,548	04/28/92	Keane, et al.	202/182
	CF	5,171,431	12/15/92	Schulte	210/94
	CG	5,197,863	03/30/93	Dardis, et al.	417/68
	CH	5,217,065	06/08/93	Green, et al.	165/117
	CI	5,217,352	06/08/93	Haavik	417/68
	CJ	5,222,869	06/29/93	Wunner, et al.	417/68
	CK	5,246,541	09/21/93	Ryham	159/13.2
	CL	5,251,593	10/12/93	Pedersen	123/204
	CM	5,294,303	03/15/94	Robbins	203/10
	CN	5,295,794	03/22/94	Haavik	417/68
	CO	5,317,882	06/07/94	Ritenour	62/268
	CP	5,370,502	12/06/94	Haavik, et al.	417/68
	CQ	5,395,215	03/07/95	Dardis, et al.	417/68
	CR	5,409,576	04/25/95	Tleimat	202/174
	CS	5,411,640	05/02/95	Ramsland	202/174
	CT	5,415,223	05/16/95	Reavis, et al.	165/96
	CU	5,507,625	04/16/96	Dudeck	417/68
	CV	5,513,697	05/07/96	Gudmundsson	165/88
	CW	5,514,283	05/07/96	Stefanini	210/695



	CX	5,516,706	05/14/96	Kusakabe	438/476
	CY	5,580,448	12/03/96	Brandreth, III	210/206
	CZ	5,587,054	12/24/96	Keith	202/182
	DA	5,591,317	01/07/97	Pitts, Jr.	204/667
	DB	5,597,453	01/28/97	Sears	203/24
	DC	5,599,429	02/04/97	Martin, et al.	202/176
	DD	5,606,723	02/25/97	Morse, et al.	422/186
	DE	5,614,086	03/25/97	Hill, et al.	210/170
	DF	5,645,124	07/28/97	Hartfield, et al.	165/117
	DG	5,645,694	07/08/97	Stewart, et al.	203/22
	DH	5,653,582	08/05/97	Harvey, et al.	417/68
	DI	5,667,543	09/16/97	Brouwers	55/317
	DJ	5,670,041	09/23/97	Cho, et al.	210/222
	DK	5,673,721	10/07/97	Alcocer	137/13
	DL	5,683,579	11/04/97	Lopes	210/222
	DM	5,683,586	11/04/97	Harcourt, et al.	210/695
	DN	5,710,536	01/20/98	Fastman	336/200
	DO	5,725,778	03/10/98	Cho, et al.	210/695
	DP	5,738,766	04/14/98	Jefferson	204/155
	DQ	5,755,970	05/26/98	Fourqurean, et al.	210/695
	DR	5,772,850	06/30/98	Morris	202/237
	DS	5,776,334	07/07/98	Cho	210/138
	DT	5,810,976	09/22/98	Keith	202/182
	DU	5,814,192	09/29/98	Pittmon, et al.	202/182
	DV	5,817,224	10/06/98	Pitts, Jr.	204/571
	DW	5,834,784	11/10/98	Morgan, et al.	250/436
	DX	5,846,414	12/08/98	Cho	210/222
	DY	5,858,177	01/12/99	Morris	203/26
	DZ	5,901,568	05/11/99	Haga	62/324.6
	EA	5,916,490	06/29/99	Cho	261/72.1
	EB	5,951,856	09/14/99	Cho	210/138
	EC	5,961,295	10/05/99	Haavik, et al.	417/68
	ED	5,968,321	10/19/99	Sears	202/172
	EE	6,063,267	05/16/00	Crewson, et al.	210/143
	EF	6,113,744	09/05/00	Munro	202/167
	EG	6,261,419B1	07/17/01	Zebuhr	202/172
	EH	6,319,408B1	11/20/01	Zebuhr	210/624
	EI	6,328,536B1	12/11/01	Zebuhr	417/259
	EJ	6,423,187B1	07/23/02	Zebuhr	202/236
	EK	6,592,338B2	07/15/03	Zebuhr	417/259

**FOREIGN PATENT DOCUMENTS**

Examiner Initials	Reference Number	Country Code	Document Number	Publication Date	Patentee or Applicant	Class/Subclass
	EL	GB	1,331,398	09/26/73	Grill	B01D 33/02

Examiner Signature: _____

Date Considered: _____

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation *if not* in conformance and not considered. Include copy of this form with next communication to applicant.

Section 6. Copies of Listed Information Items Accompanying This Statement

NOTE: 37 C.F.R. section 1.98(a)(2) requires that any information disclosure statement filed under section 1.97 shall include: "A legible copy of: (1) Each U.S. and foreign patent; (ii) Each publication or that portion which caused it to be listed; and (iii) All other information or that portion which caused it to be listed, except that no copy of a U.S. patent application need be included . . ."

NOTE: The wording in section 1.98(a)(2)(iii) makes it clear that the requirement to submit a copy of each item of information listed in an information disclosure statement does not apply to the citation of a U.S. patent application. Notice of January 9, 1992, 1135 O.G. 13-25, at 14.

Legible copies of all items listed in Forms PTO/SB/08A and 08B (substitute for Form PTO-1449) accompany this information statement.

(complete the following, if applicable)

☒ Exception(s) to above:

☐ Items in prior application, from which an earlier filing date is claimed for this application, as identified in Section 4.

☐ Cumulative patents or publications identified in Section 5.

U.S. patent citations are not included pursuant to 37 CFR 1.98 9(a)(2)(i) and 37 CFR 1.491(b), in which the USPTO waived the requirement for submitting a copy of each cited U.S. patent and each U.S. patent application publication for all U.S. national patent applications filed after June 30, 2003 and for all international applications that have entered the national stage under 35 USC § 371 after June 30, 2003.

Section 10. Identification of Person(s) Making This Information Disclosure Statement

The person making this certification is

(check each applicable item)

- (a) ☐ the inventor(s) who signs below

SIGNATURE OF INVENTOR

(type name of inventor who is signing)

- (b) ☐ an individual associated with the filing and prosecution of this application (37 C.F.R. section 1.56(c))

SIGNATURE OF INVENTOR

(type name of inventor who is signing)

- (c) ☒ the practitioner who signs below on the basis of the information:

(check each applicable item)

☐ supplied by the inventor(s).

☐ supplied by an individual associated with the filing and prosecution of this application. (37 C.F.R. section 1.56(c)).

☒ in the practitioner's file.

Reg. No.: 52,703

Tel. No.: (617) 443-9292

Customer No.: 002101

01062/00E07 305204.1



SIGNATURE OF PRACTITIONER

Barbara J. Carter, Ph.D.

(type or print name of practitioner)

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